

House File 576 - Reprinted

HOUSE FILE 576
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 147)

(As Amended and Passed by the House March 21, 2017)

A BILL FOR

1 An Act relating to background investigations of individuals
2 employed through temporary staffing agencies with certain
3 health care providers.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135C.33, Code 2017, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5A. *a.* This section shall also apply to an
4 employee of a temporary staffing agency that provides staffing
5 for a facility, service, program, or other provider regulated
6 by this section if the employee provides direct services to
7 consumers.

8 *b.* In substantial conformance with the provisions of this
9 section, prior to the employment of such an employee, the
10 temporary staffing agency shall request the performance of the
11 criminal and child and dependent adult abuse record checks.
12 The temporary staffing agency shall inform the prospective
13 employee and obtain the prospective employee's signed
14 acknowledgment. The department of human services shall perform
15 the evaluation of any criminal record or founded child or
16 dependent adult abuse record and shall make the determination
17 of whether a prospective employee of a temporary staffing
18 agency shall not be employed by the assisted living program as
19 defined in section 231C.2, the Medicare certified home health
20 agency, or the facility, service, program, or other provider
21 regulated by this section.

22 *c.* If a person employed by a temporary staffing agency that
23 is subject to this section is convicted of a crime or has a
24 record of founded child or dependent adult abuse entered in the
25 abuse registry after the person's employment application date,
26 the person shall inform the temporary staffing agency within
27 forty-eight hours and the temporary staffing agency shall
28 inform the facility, service, program, or other provider within
29 two hours.

30 *d.* If a temporary staffing agency fails to comply with the
31 requirements of this section, the temporary staffing agency
32 shall be liable to the facility, service, program, or other
33 provider for any actual damages, including civil penalties, and
34 reasonable attorney fees.

35 *e.* This section shall not apply to employees employed by a

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1 temporary staffing agency for a position that does not provide
2 direct services to consumers.